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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/824,604   | 04/15/2004  | March R. Morgan      | 22259.00            | 6406             |
| 7590 06/06/2005  |             |                      | EXAMINER            |                  |
| Richard C. Litman<br>LITMAN LAW OFFICES, LTD.<br>P.O. Box 15035<br>Arlington, VA 22215 |             |                      | THOMAS, DAVID B     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3723                |                  |

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/824,604             | MORGAN, MARCH R.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | David B. Thomas        | 3723                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>herewith</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hohmann et al. (5,299,474), or Paterson et al. (WO 92/03262), in view of Volkmann (4,836,727), or Gibbens (3,191,486).

Hohmann et al. (5,299,474), or Paterson et al. (WO 92/03262), disclose a frangible socket having an upper portion and a lower portion, the upper portion having a first aperture for receiving a driving device, the lower portion having a second aperture on the lower portion for gripping a fastener, and a middle frangible portion. The examiner notes that Hohmann et al. ('474) also discloses that the socket may be made from plastic and that the socket may be color-coded. Thus, Hohmann et al. (5,299,474), or Paterson et al. (WO 92/03262), disclose the frangible socket as claimed except for relying upon a thin wall or diaphragm for the frangible section rather than a plurality of splines. Volkmann (4,836,727), or Gibbens (3,191,486) each disclose a frangible connection for limiting torque between two fastening devices. Both Volkmann (4,836,727) and Gibbens (3,191,486) teach that the frangible connection between the two elements is made via pins, or splines, which break upon reaching a predetermined torque. Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to have modified the structure of the frangible connection of either Hohmann et al. (5,299,474), or Paterson et al. (WO 92/03262), by providing pins or splines as the frangible connection between the upper and lower portion of the respective sockets, as Volkmann (4,836,727) or Gibbens (3,191,486) teach the use of pins or splines as a suitable frangible connection for controlling the torque that can be imparted to a fastener.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Neil, McCune, Perry, Kesselman, Tietge, and Pletcher each disclose torque limiting devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (571) 272-4497. The examiner can normally be reached on 7-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'D. B. Thomas', with a stylized, flowing script.

David B. Thomas  
Primary Examiner  
Art Unit 3723

dbt